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**Before the  
Federal Communications Commission  
Washington, D. C. 20554**

In the Matter of )  
 )  
Allocation of Spectrum Below ) ET Docket No. 94-32  
5 GHz Transferred from )  
Federal Government Use )

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To: Mr. William F. Caton  
Acting Secretary  
Federal Communications Commission  
Washington D.C. 20554

**Comments of  
The San Bernardino Microwave Society  
In Response to the Federal Communications Commission  
First Report and Order and  
Second Notice of Proposed Rule Making,  
ET Docket No. 94-32**

From: Bill Burns,  
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March 17, 1995

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FEDERAL COMMUNICATIONS COMMISSION

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**The San Bernardino Microwave Society**  
**In Response to the Federal Communications Commission**  
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By the Membership:

**Introduction**

1. On May 4, 1994, The Federal Communications Commission (FCC) released a Notice of Inquiry (NOI) requesting information on potential applications for 50 MHz of spectrum which had been released from Federal Government use. The San Bernardino Microwave Society (SBMS), in its comments filed to the NOI, offered arguments towards upgrading allocation status in portions of the Amateur Radio 13 cm<sup>(1)</sup> Band. To support our position, the SBMS argued that Amateur Radio continues to offer tremendous opportunities for public service and public education *at no cost to the American People*.

2. By way of review, The SBMS is a non-profit organization "dedicated to the advancement of communications above 1 GHz". Our membership primarily consists of college-educated professionals employed in the high-tek electronics and defense industries. The Society was formed forty years ago to promote activity within the Amateur radio service on the microwave bands. Considering our long history associated with activities in the Amateur 13 cm band, our membership felt that our comments had relevance to the future uses of the band.

<sup>(1)</sup> The 13 cm band (as it is referred to in part 97 of the FCC rules), running from 2,310 to 2,450 MHz, is the spectrum which we are concerned with here.

3. As we have previously indicated, members of the Society have been active on the 13 cm band since the Society was first formed in March of 1955. Founding members had been active on the band in the 1940s. Our current membership is made up of Amateurs who are active in all facets of microwave communications, including many different uses of the 13 cm band<sup>(2)</sup>.

4. Additionally, in our comments to the NOI, the SBMS pointed out that there were multiple existing Amateur systems in the .13 cm band to which any reallocation of spectrum away from the Amateur service would cause "excessive disruption". We pointed out that frequency coordination groups, like the Southern California Repeater and Remote Base Association (SCRRBA), have existing band plans<sup>(3)</sup> and coordinated systems which operate in the portions of 13 cm potentially affected by spectrum reallocation. A number of similar organizations throughout the southwestern United States filed comments similar to those of SCRRBA universally indicating that proposed reallocations would cause "excessive disruptions" to their existing systems as well.

5. Pursuant to the above referenced NOI, the FCC released a Notice of Proposed Rule Making (NPRM) on November 8, 1994. Our membership was impressed by the objectivity and understanding which the FCC staff gave to each argument towards how the band should be used. In the NPRM (at 8 through 20) the FCC clearly had taken the time to evaluate the needs of the Amateur community and how they could best be accommodated in light of the many other proposed uses for this spectrum. For these efforts, the SBMS wishes to thank the FCC staff.

6. In its response to the issues of the NPRM (appendix D, 2 through 9), the SBMS continued to point out that reallocation of any segment in the 13 cm band would be classified as "excessive disruption" to the Amateur service. We stated that because of ongoing transfer of existing systems from the crowded lower frequency bands, coupled with the newer high-tek uses of the 13 cm band, that any reallocation away from the Amateur service would cause "excessive disruption" to existing as well as future planned uses of the band.

7. For both the NOI and the NPRM, the SBMS has continuously linked together the band segments 2,300 through 2,310 MHz and 2,390 through 2,450 MHz. We stated that even though the FCC is not ready to discuss future allocations in the segment at 2,300 through 2,310 MHz<sup>(4)</sup>, it is important to convey that the current allocations

<sup>(2)</sup> These uses include weak signal terrestrial, Earth-moon-Earth (EME), point-to-point linking of voice, data and video or a mixture of these three, point-to-multipoint data and video.

<sup>(3)</sup> SCRRBA included a copy of their band plan which graphically showed the many proposed and ongoing uses of the 13 cm band in the southern California area.

<sup>(4)</sup> It is our understanding that the NTIA has not yet released the segment of 2,300 through 2,310 MHz from Government service, which is the reason for the FCC waiting to consider the future of this band segment.

at 2,390 through 2,450 MHz only partially satisfy today's Amateur spectrum requirements in the 13 cm band. Widely implemented band plans, as well as current and future uses of the band, require that we keep all of the 13 cm spectrum allocated to the Amateur service at this time.

### **Current Proposal**

8. The SBMS membership applauds the recent FCC decision to elevate the Amateur service to Primary in the portions of the 13 cm band running from 2,390 to 2,400 MHz and 2,402 through 2,417 MHz. We have already seen movement in the Amateur community to re-affirm commitments to projects which were put on hold waiting for a decision in this matter. We believe that this action will further increase Amateur uses in the 13 cm band, especially those uses which will help relieve the crowding in the lower frequency bands.

9. We make the following proposals (at 12 and 15 below) based upon well-established statements made in prior filings by the SBMS as well as many Amateur organizations across the country. The segment running from 2,300 through 2,310 MHz is an integral part of the Amateur presence in the 13 cm band. It is included in all band plans as well as activities which are long established in the 13 cm band. Because it does not yet have control of this spectrum, the FCC has made it clear that it will delay to a later time any action regarding the future of 2,300 through 2,310 MHz.

10. Our concern is that the FCC, in a future action, could decide to re-allocate the 2,300 through 2,310 MHz band away from the Amateur service. We state here that this would again cause the "excessive disruption" echoed by almost every other Amateur commenter towards the NOI or the NPRM.

11. For this reason, the SBMS proposes that the FCC not codify any other activity into the segment 2,390 through 2,391 MHz at this time. This segment would remain an exclusive Amateur allocation in the 13 cm band to partially accommodate uses which could be displaced if, in a future action, the FCC removes the Amateur allocation at 2,300 through 2,310 MHz. This would protect some of the displaced activities which are susceptible to interference from the part 15 or "PCS" allocations<sup>(5)</sup> which are to be allowed in this segment. We ask that this measure of protection be afforded to us until the 2,300 through 2,310 MHz segment is released by the NTIA and the FCC acts favorably on the future Amateur use of this band segment.

<sup>(5)</sup> Activities like weak-signal terrestrial, propagation beacons, Earth-moon-Earth, solar astronomy and radioastronomy, etc., to which an increase in natural noise floor by nomadic part 15 "PCS" devices would certainly be devastating.

12. Further, in response to the direct question asked by the FCC in the current Report and Order (at 57), the SBMS believes (as stated in 11 above, including all contingencies) that this is the only restriction, beyond those currently found in part 15, which should be placed on the new "PCS" services sharing 2,390 through 2,400 MHz.

13. While the FCC currently does not have total authority to argue issues relating to the 2,300 through 2,310 MHz, the fact remains that the segment of 2,300 through 2,310 MHz is an integral part of the 13 cm band. History and tradition have evolved this portion of the band into what is now an important contemporary element in Amateur communications. Because of spectrum-use plans, which have been in place for some time now, the future infrastructure of Amateur radio is being operated or extended into all segments of the 13 cm band, including 2,300 through 2,310 MHz.

14. The finding in the NTIA report, as well as the comments of many interested parties wishing to locate emerging technologies into portions of the 13 cm band, unanimously agree that the spectrum from 2,417 through 2,450 MHz is unsuitable for virtually all of their uses. For the same reasons, Amateur Radio systems being operated in or being built for the 2,300 through 2,310 MHz band segment could not effectively be re-located into the 2,417 through 2,450 MHz segment. The frequency coordinating organizations like SCRRBA have taken this important fact into consideration when they developed band plans for the entire 13 cm band.

15. Additionally, we ask that at some point in the future, the Amateur status in the entire 13 cm band be elevated to primary status. The FCC could instigate rulemaking jointly with the NTIA to allow the Amateur allocation in the remaining portions of the 13 cm band to be upgraded to co-primary in the near future working towards the goal of a primary allocation.

### **Conclusion**

16. Amateur Radio specifically and the American People in general will benefit from the Federal Communications Commission Report and Order in ET Docket No. 94-32 adopted February 7, 1995. In this Report and Order, the FCC has preserved an effective Amateur presence in the 13 cm band by elevating Amateur Radio to primary status in the 2,390 through 2,400 MHz and 2,402 through 2,417 MHz portions of the band.

17. The San Bernardino Microwave Society membership wishes to thank the Commission for its interest in reviewing the comments made by Amateur Radio community and the subsequent rulemaking in favor of Amateur Radio.

18. The SBMS hopes that the Commission will see the importance of keeping the band segment at 2,300 through 2,310 MHz available to Amateur Radio in its present form.

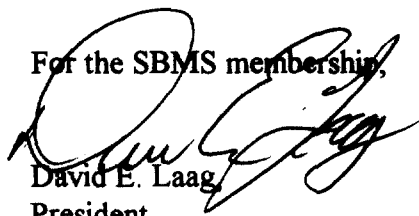
Until a decision about 2,300 through 2,310 MHz is reached, the SBMS would like to see the Commission codify the band segment of 2,390 through 2,391 MHz for exclusive Amateur Radio use.

19. Obviously, once the "PCS magic lamp" is rubbed and the genie is let out into the 2,390 through 2,391 MHz segment, there will be no way of calling it back. When the future of Amateur radio is secure in the 2,300 through 2,310 MHz band segment, the genie can be released into 2,390 through 2,391 MHz and its magic lamp recycled.

20. When the segment of 2,300 through 2,310 MHz is released from government service, the SBMS supports a primary allocation to the Amateur service in this band segment. Additionally, the SBMS supports future FCC/NTIA rulemaking regarding the segments of 2,400 through 2,402 and 2,417 through 2,450 MHz, in which Amateur Radio is elevated to at least co-primary status in these band segments.

21. Thank you for your careful consideration of our views in these matters.

For the SBMS membership,



David E. Laag  
President.